

REMARKS

With this response, no claims are amended or cancelled. Therefore, claims 40-97 are pending.

Claim Objections

Claims 49-51, 55-56, 72, 75-76, 86, 88, and 90-93 were objected to as being dependent upon rejected base claims. Applicants submit that all rejections of the base claims from which these claims depend are overcome herein. Therefore, Applicants respectfully request that the objection to these claims be withdrawn.

Claim Rejections - 35 U.S.C. § 103

Claims 40-41, 44-46, 53-54, 57-61, 63-64, 68-69,
78-79, 81-82, 84-85, and 94-97

Claims 40-41, 44-46, 53-54, 57-61, 63-64, 68-69, 78-79, 81-82, 84-85, and 94-97 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,037,898 issued to Parish et al. (*Parish*) in view of U.S. Patent No. 5,615,409 issued to Forssen et al. (*Forssen*). Applicants respectfully submit that these claims are not rendered unpatentable by *Parish* and *Forssen* for at least the following reasons.

Claim 40 recites the following:

iteratively processing a signal through a plurality of signal processing procedures to generate a plurality of processed signals; and

sequentially transmitting the plurality of processed signals through a coupled antenna array, generating a desired radiation level at a number of locations within a desired sector.

Thus, Applicants claim **iteratively processing a signal through a plurality of signal processing procedures and sequentially transmitting the plurality of processed signals generated**. Claims 60 and 78 recite devices with elements similarly directed to iteratively process a signal through a

plurality of signal processing procedures and sequentially transmit the plurality of processed signals generated.

Applicants respectfully note that the Office Action of April 11, 2003 fails to establish a prima facie case of obviousness. MPEP § 2142 states that to establish a prima facie case of obviousness the Office Action must set forth evidence sufficient to show the following three criteria:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** (Emphasis added)

The Office Action has failed to set forth evidence sufficient to show that all the claim limitations of the invention are disclosed in the cited references. For example, the Office Action at page 3 rejects claim 40, yet it fails to even address the limitation "iteratively processing." Furthermore, the Office Action at page 3 fails to set forth evidence sufficient to show how making a mere reference to Figure 2 is proposed to show "sequentially transmitting" as recited in claim 40. Furthermore, Applicants respectfully submit that in addition to these failures of the Office Action, the cited references fail, whether alone or in combination, to disclose or suggest the invention as recited in claims 40, 60, and 78.

Parish discusses processing signals with calibration factors to compensate the signals for the imperfections of the transmit or receive path. See Abstract; col. 3, lines 45 to 64 and col. 7, lines 8 to 30. *Parish* fails to disclose or suggest iteratively processing a signal through a plurality of signal processing procedures, as recited in claims 40, 60, and 78. *Parish* discloses multiple signal processors 119 and 123. See col. 8, lines 23 to 25 and Figure 1. Whether or not *Parish* discloses multiple signal processors, *Parish* fails to disclose or suggest using a plurality of signal

processing procedures. Applicants note that an infinite number of signal processors could all use the same signal processing procedure or strategy to process a signal, and the fact that the number of signal processors is large will still not change the fact that a single signal processing procedure has been used, rather than using multiple signal processing procedures. Furthermore, as discussed above, the Office Action fails to address the limitation of "iteratively processing" a signal, and *Parish* fails to disclose or suggest iteratively processing a signal through a plurality of signal processing procedures.

Parish similarly fails to disclose or suggest sequentially transmitting a generated plurality of processed signals as recited in claims 40, 60, and 78. As discussed in Applicants' previous Response, filed on January 30, 2003, *Parish* simply refers to how signals are calibrated along a transmit path in preparation for transmission. Figure 2 of *Parish* simply shows a circuitry from "higher level processing" connected to an antenna array, and fails to show or suggest any order of transmission, whether sequential or otherwise. Neither the timeslot processor 217, nor the rf/timing controller 233, nor anything else on Figure 2 suggests that signals that have been iteratively processed through a plurality of signal processing procedures are sequentially transmitted. Therefore, the Office Action fails to set forth a prima facie case of obviousness, and *Parish* fails to disclose or suggest what is asserted in the Office Action.

The Office Action at page 3 cites *Forssen* as disclosing generating a desired radiation level at a number of locations within a desired sector. *Forssen* merely discloses transmitting certain signals with a wide lobe and other signal with a narrow lobe. See col. 3, line 65 to col. 4, line 14. Without adopting the characterization of *Forssen* in the Office Action, and without needing to characterize *Forssen*, Applicants note that *Forssen* is not cited as curing the deficiencies noted above with respect to *Parish*. Furthermore, *Forssen* fails to cure the

deficiencies of *Parish* set forth above. Specifically, *Forssen*, like *Parish*, fails at least to disclose or suggest iteratively processing a signal through a plurality of signal processing procedures. Therefore, *Parish* and *Forssen* fail, either alone or in combination to disclose or suggest the invention as recited in claims 40, 60, and 78.

Claims 41, 44-46, 53-54, 57-59, and 95 depend from claim 40. Claims 61, 63-64, 68-69, and 96-97 depend from claim 60. Claims 79, 81-82, 84-85, and 94 depend from claim 78. Because dependent claims necessarily include the limitations of the claims from which they depend, Applicants submit that these claims are not anticipated by the cited references for at least the reasons discussed above.

Claims 42-43, 47-48, 52, 62, 65-67, 70-71, 73-74,
77, 80, 87, and 89

Claims 42-43, 47-48, 52, 62, 65-67, 70-71, 73-74, 77, 80, 87, and 89 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Parish* and *Forssen*, and further in view of U.S. Patent No. 5,708,971 issued to Dent (*Dent*). Applicants respectfully submit that these claims are not rendered unpatentable by *Parish*, *Forssen*, and *Dent* for at least the following reasons.

The Office Action at pages 4 to 5 cites *Dent* as disclosing non-null levels of antenna transmission. Without adopting the Office Action's characterization of *Dent*, and without needing to provide a characterization of *Dent*, Applicants respectfully submit that *Dent* fails to cure the deficiencies of *Parish* and *Forssen*, as discussed above, at least because *Dent* similarly fails at least to disclose or suggest iteratively processing a signal to generate a plurality of processed signals as recited in claims 40, 60, and 78, from which claims 42-43, 47-48, 52, 62, 65-67, 70-71, 73-74, 77, 80, 87, and 89 depend. Therefore, *Parish*, *Forssen*, and *Dent* fail, whether alone or in combination, to disclose or suggest each and every element of the claims.

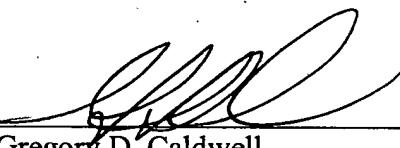
Conclusion

For at least the foregoing reasons, Applicants submit that all rejections have been overcome. Therefore, Applicants submit that claims 40-97 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: 01/24/03



Gregory D. Caldwell
Reg. No. 39,926

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
Telephone: (503) 684-6200

GDC/VHA

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